IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1581 OF 2006
IN
WRIT PETITION NO.3349 OF 1990

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	Court's or Judge's Orders

Mr.Dilip Bodake for Applicant.

Mrs.M.P.Thakur, A.G.P. for Respondent Nos.1 to 3.

CORAM: H.L.GOKHALE &
J.H.BHATIA, JJ.
DATE : 14th July, 2006.

P.C.:

1. Heard Mr.Bodake in support of this Civil Application. Ms.Thakur appears for the Respondent Nos.1 to 3.

2. The Civil Application seeks recall of the order dated 10th June, 2002 passed by another Division Bench on the main Petition whereby it came to be dismissed for non-prosecution. Mr.Bodake has pointed out in the Civil Application that it so happened that

after the Petition was filed and admitted and pending for the hearing, the then advocate appearing for the Petitioner expired. The Petitioner did not know about these developments and, therefore, there was delay on his part in moving the Court.

3. Ms.Thakur, A.G.P. appears for the Respondents has stated that the explanation is not satisfactory. However, in view of certain further developments which have taken place, namely, release of the lands of the Petitioner from acquisition for which purpose Petition was filed, she leaves it to the Court to pass appropriate orders.

4. In the circumstances, we allow Civil Application and recall the order dated 10th June, 2002. The Civil Application is allowed in terms of

prayer clause (a) and (b). The main Petition stands restored to the file.

(H.L.GOKHALE,J.)

(J.H.BHATIA,J.)